



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-001

E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 03-141

November 4, 2003

NRC DENIES RULEMAKING PETITION BY OHIO CITIZENS GROUP

The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking filed by the Ohio Citizens for Responsible Energy to amend Title 10 of the Code of Federal Regulations, Part 9, "Public Records," by adding a subpart entitled "Public Right Access to Licensee-Held Information." This subpart would provide for public access to licensee-held documents, with limited exceptions, and include appeal procedures.

The Commission found that the additional record-keeping and reporting proposed in the petition are not necessary to protect the public health and safety or to ensure effective public participation in NRC adjudicatory hearings on licensing actions.

In denying the petition, the Commission said that much of the information that is of interest to the petitioner, now kept onsite by licensees, may also be available to the public in other documents (as part of applications, or in response to agency requests for additional information) and placed in the NRC's Public Document Room and/or the agency's Public Electronic Reading Room. Specifically, the Commission found that the information used by the decision-maker in agency licensing decisions is available to the public at these locations, unless the information is exempt from disclosure. This would include personal information, proprietary information, safeguards information, the identity of confidential sources and classified information.

The petition for rulemaking was filed in February 1994. The NRC published a notice that it had received the petition and was seeking public comments on the proposed changes in *The Federal Register* the following June. A response to the petition was delayed a number of times, however, in light of the Commission's ongoing public information initiatives, as well as legislative and executive directives to reduce unnecessary record-keeping and reporting. Nevertheless, the Commission is committed to a more rigorous review of action on pending rulemaking petitions in order to prevent a recurrence of a delay of this length and to assure timely response.

When the petitioner filed the proposed amendments, it said that NRC licensee-held documents were not publicly accessible and may contain information members of the public would find useful as they participated in agency proceedings.

Meanwhile, since 2000, the NRC has made substantial amounts of information available for public review on its web-site. Along with the development of the Agency-wide Documents Access and

Management System, or ADAMS, it has provided this information in a more searchable form at the NRC's Public Electronic Reading Room, i.e. <http://www.nrc.gov/reading-rm.html> . These documents, which include significant amounts of information relevant to licensing decisions, (e.g., the license application), as well as subsequent changes, correspondence between the licensee and NRC, and inspections reports, are now available in ADAMS and continue to be available in the Public Document Room.

###